



Substitute Senate Bill No. 582

Public Act No. 08-35

AN ACT CONCERNING THE RECYCLING OF COVERED ELECTRONIC DEVICES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Subdivision (7) of section 22a-629 of the 2008 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2008*):

(7) "Manufacturer" means any person who: (A) Manufactures or manufactured covered electronic devices under a brand that it licenses, owns or owned, for sale in this state; (B) manufactures or manufactured covered electronic devices without affixing a brand, for sale in this state; (C) resells or has resold in this state under its own brand or label a covered electronic device produced by other suppliers, including retail establishments that sell covered electronic [products] devices under their own brand names; (D) imports or imported into the United States or exports from the United States covered electronic devices for sale in this state; (E) sells at retail a covered electronic device acquired from an importer that is the manufacturer as described in subparagraph (D) of this subdivision, and elects to register in lieu of the importer as the manufacturer for those products; or (F) manufactures or manufactured covered electronic devices, supplies them to any person or persons within a distribution network that

Substitute Senate Bill No. 582

includes wholesalers or retailers in this state, and benefits from the sale in this state of those covered electronic devices through such distribution network.

Sec. 2. Subdivision (20) of section 22a-629 of the 2008 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2008*):

(20) "Orphan device" means a covered electronic device, excluding CRT-based televisions and non-CRT-based televisions, for which no manufacturer, as defined in this section, can be identified or for which the manufacturer is no longer in business and has no successor in interest.

Sec. 3. Subdivision (21) of section 22a-629 of the 2008 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2008*):

(21) "Market share" means a manufacturer's national sales of a particular product category of CEDs expressed as a percentage of the total of all manufacturers' national sales for [a] such product category of CEDs. [based on data that is publicly available.]

Sec. 4. Section 22a-631 of the 2008 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2008*):

(a) On and after [January] July 1, 2009, each manufacturer shall participate in the state-wide electronics recycling program established in this section to implement and finance the collection, transportation and recycling of covered electronic devices, and may participate in a private electronics recycling program. Said state-wide electronics recycling program for the recycling of CRT-based and non-CRT-based televisions shall be funded by allocating the cost of the program among the manufacturers selling CRT-based and non-CRT-based

Substitute Senate Bill No. 582

televisions in the state based on a sliding scale that is representative of the manufacturer's market share of CRT-based and non-CRT-based televisions in the state. Market share information shall be based upon available national market share data.

(b) On and after [January] July 1, 2009, each municipality shall provide for the recycling of CEDs generated within its boundaries by participating in the state-wide electronics recycling program. Municipalities that participate in a regional recycling program may elect to participate in the state-wide electronics program through such regional authority. Each municipality or regional authority shall (1) provide for the collection of CEDs from residents within such municipality or region, (2) arrange for the transportation of collected CEDs to a covered electronic recycler, and (3) make information readily available to residents of the municipality or region of the time and location of the collection of CEDs. In providing collection and recycling opportunities to its residents each municipality shall give priority to convenience and accessibility.

(c) On and after [January] July 1, 2009, each covered electronic recycler shall (1) cooperate with any municipality or regional authority to provide for the collection and transportation of CEDs, (2) reimburse a municipality or regional authority for such municipality's or such authority's qualified costs of transportation, (3) recycle all collected CEDs in accordance with the minimum standards established in section 22a-632 of the 2008 supplement to the general statutes, as amended by this act, (4) (A) for CEDs other than CRT-based televisions and non-CRT-based televisions, maintain a written log that identifies responsible manufacturers by recording the brand and weight of each CED delivered to a covered electronic recycler and identified upon receipt as generated by a household in the state, and (B) for CRT-based televisions and non-CRT-based televisions, maintain a written log of the total weight of such televisions delivered each month to a covered

Substitute Senate Bill No. 582

electronic recycler and identified upon receipt as generated by a household in the state, (5) report to the commissioner any manufacturer that is in arrears for more than ninety days, (6) file a plan for carrying out the provisions of this section on a form approved by the commissioner, and (7) invoice manufacturers quarterly for the reasonable costs of transporting and recycling that the manufacturer is responsible for [pursuant to this section. Such costs shall be calculated] under this section, with such costs calculated (A) for CRT-based and non-CRT-based televisions, on a sliding scale basis that is representative of the manufacturer's market share of such televisions in the state multiplied by the total pounds recycled, (B) for CEDs other than CRT-based televisions and non-CRT-based televisions on a per pound basis on separate invoices, and [shall] (C) for both subparagraphs (A) and (B) of this subdivision, not to exceed fifty cents per pound or an amount determined by the commissioner in regulations adopted pursuant to section 22a-638 of the 2008 supplement to the general statutes. Nothing in this subsection shall prohibit a registered manufacturer from entering into a cooperative agreement with a covered electronic recycler to return such manufacturer's CEDs for subsequent recycling by the manufacturer provided the manufacturer certifies to the commissioner that such CEDs have been recycled in accordance with subsection (e) of this section and the manufacturer reimburses the covered electronic recycler for such recycler's qualified costs, as determined by the commissioner.

(d) On and after [January] July 1, 2009, each manufacturer shall pay the reasonable costs of transportation and recycling incurred by a covered electronic recycler for the CEDs attributed to such manufacturer and the manufacturer's pro rata share of orphan devices processed by a covered electronic recycler. A manufacturer's pro rata share of orphan devices shall be calculated as a manufacturer's market share for the preceding calendar year divided by the total market share

Substitute Senate Bill No. 582

of all registered manufacturers for the same year multiplied by the total, in pounds, of orphan devices returned. [The pro rata share of orphan devices shall be calculated separately for CEDs consisting of computer-related components, including desktop or personal computers, computer monitors, portable computers and for CEDs consisting of television-related components, including CRT-based and non-CRT-based televisions. Manufacturers of only CEDs consisting of television-related components or only CEDs consisting of computer-related components shall only be liable for their corresponding pro rata share.] The commissioner may suspend the registration of any manufacturer in arrears for more than ninety days. A manufacturer that has had such manufacturer's registration suspended in accordance with this subsection shall demonstrate that all past due payments and a penalty equivalent to ten per cent of such past due payments has been paid to the commissioner prior to seeking reinstatement of such registration. The commissioner shall deposit such penalty in the covered electronic recycler reimbursement account established under section 22a-27g of the 2008 supplement to the general statutes for the purpose of reimbursing covered electronic recyclers for unpaid qualified expenses in accordance with this section and any regulations adopted pursuant to section 22a-638 of the 2008 supplement to the general statutes. Any covered electronic recycler seeking reimbursement for such qualified expenses shall file a request with the commissioner and certify that such expenses are qualified. The commissioner shall reimburse each covered electronic recycler to the extent that funds are available.

(e) Any private program for the collection, transportation and recycling of CEDs shall comply with the standards established in section 22a-632 of the 2008 supplement to the general statutes, as amended by this act. Any manufacturer participating in a private program shall file a description of such program with such manufacturer's annual registration, including: (1) The methods that

Substitute Senate Bill No. 582

will be used to collect the covered electronic devices, including, but not limited to, the name and locations of all collection and consolidation points; (2) the processes and methods that will be used to recycle recovered covered electronic devices, including a description of the disassembly and physical recovery operation such as crushing, shredding, grinding, glass-to-glass recycling or other operations that will be used; (3) the name and location of all facilities to be utilized; (4) documentation of audits of each processor used in the plan and compliance with processing standards established in section 22a-632 of the 2008 supplement to the general statutes, as amended by this act; (5) a description of the means that will be utilized to publicize the collection opportunities; and (6) the total weight of CEDs collected, transported and recycled the previous year.

Sec. 5. Subsections (c) and (d) of section 22a-630 of the 2008 supplement to the general statutes are repealed and the following is substituted in lieu thereof (*Effective July 1, 2008*):

(c) Commencing [~~January~~] July 1, 2009, all manufacturers shall pay an annual registration renewal fee as determined by the commissioner in accordance with subsection (d) of this section.

(d) Not later than [~~October 1, 2008~~] April 1, 2009, the commissioner shall adopt regulations, in accordance with the provisions of chapter 54, to establish annual registration and reasonable fees for administering the program established in sections 22a-629 to 22a-640, inclusive, as amended by this act. All fees charged shall be based on factors relative to the costs of administering such program and be based on a sliding scale that is representative of the manufacturer's market share of covered electronic devices in the state. Market share information shall be based on available national market share data. Fees shall be established in amounts to fully cover but not to exceed expenses incurred by the commissioner for the implementation of such program, including the cost of any education or outreach necessary to

Substitute Senate Bill No. 582

carry out such program.

Sec. 6. Subsection (a) of section 22a-632 of the 2008 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2008*):

(a) On and after [January] July 1, 2009, covered electronic devices collected through any program in Connecticut, whether by manufacturers, retailers, for-profit or not-for-profit corporations, units of government or organized by the commissioner, shall be recycled in a manner that is in compliance with all applicable federal, state and local laws, regulations and ordinances, and shall not be exported for disposal in a manner that poses a significant risk to the public health or to the environment.

Sec. 7. Section 22a-634 of the 2008 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2008*):

(a) Not later than [June 1, 2009] January 1, 2010, the Commissioner of Environmental Protection shall post a list of all manufacturers in compliance with the requirements of sections 22a-629 to 22a-640, inclusive, as amended by this act, on the department's Internet web site and shall maintain such list after said date. Retailers shall consult the list prior to selling covered electronic devices. A retailer shall not offer for sale in this state a covered electronic device of a manufacturer that is not in compliance with such requirements. A retailer shall be considered to have complied with this responsibility if, on the date that the product was ordered from the manufacturer or its agent, the manufacturer was listed as being in compliance on the department's Internet web site.

(b) Notwithstanding subsection (a) of this section, a retailer may sell any CEDs ordered or in stock at the time of the initial posting of such

Substitute Senate Bill No. 582

list by the commissioner, regardless of whether the manufacturer of such CED is on such list, until six months after the initial posting or until [December 1, 2009] June 1, 2010, whichever is earlier.

Sec. 8. Section 22a-637 of the 2008 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2008*):

On and after [January] July 1, 2009, the Commissioner of Environmental Protection may issue cease and desist orders in accordance with section 22a-7 for any violation of sections 22a-629 to 22a-640, inclusive, and to suspend or revoke any registration issued by the commissioner under section 22a-630 of the 2008 supplement to the general statutes, as amended by this act, upon a showing of cause and after a hearing. The courts may grant such restraining orders and such temporary and permanent injunctive relief as may be necessary to secure compliance with sections 22a-629 to 22a-640, inclusive, as amended by this act. Civil proceedings to enforce sections 22a-629 to 22a-640, inclusive, as amended by this act, may be brought by the Attorney General in the superior court for any judicial district affected by the violation.

Approved May 7, 2008